

EXHIBIT 38
FILED UNDER SEAL

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et al.,)
)
 Plaintiffs,) Case No.

v.) 4:20-cv-00957-SDJ
)

GOOGLE LLC,) Hon. Sean D. Jordan
)

 Defendant.)

HIGHLY CONFIDENTIAL

PURSUANT TO PROTECTIVE ORDER

THURSDAY, MAY 2, 2024

Remote Videotaped Deposition of [REDACTED]
taken pursuant to notice and conducted at the location of
the witness in the State of New York, commencing at 9:10
a.m., EDT, on the above date, before Jennifer A. Dunn,
Registered Merit Reporter, Certified Realtime Reporter,
Missouri Certified Court Reporter, and Certified Shorthand
Reporter in California, Illinois, and Texas #12050.

Job No. MDLG6673295

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CHRIS RITONA - Videographer

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1 MR. HUNSBERGER: Object to the form.

2

3 name, and so the -- that showing up might mean that it
4 refers to me.

5 The exact formatting you described does not
6 sound familiar to me.

7 BY MR. DAMWEBER:

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12 MR. HUNSBERGER: Object to the form.

13

14 BY MR. DAMWEBER:

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17 MR. HUNSBERGER: Object to the form.

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BY MR. DAMWEBER:

4

Q Okay. You anticipated some of my next questions.

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MR. HUNSBERGER: Object to the form.

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BY MR. DAMWEBER:

11

Q Do you communicate, use -- strike that.

12

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14

MR. HUNSBERGER: Object to the form.

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17

BY MR. DAMWEBER:

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MR. HUNSBERGER: Object to the form.

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23

BY MR. DAMWEBER:

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1 MR. HUNSBERGER: Object to the form.

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5 BY MR. DAMWEBER:

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8 MR. HUNSBERGER: Object to the form.

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10 BY MR. DAMWEBER:

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13 MR. HUNSBERGER: Object to the form.

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16 BY MR. DAMWEBER:

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19 MR. HUNSBERGER: Object to the form.

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BY MR. DAMWEBER:

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MR. HUNSBERGER: Object to the form.

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BY MR. DAMWEBER:

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MR. HUNSBERGER: Object to the form.

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BY MR. DAMWEBER:

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MR. HUNSBERGER: Object to the form. You can

25

answer.

1 BY MR. DAMWEBER:

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5 MR. HUNSBERGER: Object to the form.

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8 BY MR. DAMWEBER:

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12 MR. HUNSBERGER: Object to the form.

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18 BY MR. DAMWEBER:

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20 MR. HUNSBERGER: Object to the form.

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23 BY MR. DAMWEBER:

24 Q Do you know if you've ever recorded meetings among

25 Google employees where lawyers are not present but you

1 offsetting option was engaged on that Google Chat?

2 MR. HUNSBERGER: Object to the form.

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7 MR. DAMWEBER: Objection. Nonresponsive.

8 I'm going to ask the question again.

9 BY MR. DAMWEBER:

10

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14 MR. HUNSBERGER: Object to the form. Asked
15 and answered.

16 BY MR. DAMWEBER:

17

18

19 MR. HUNSBERGER: Object to the form.

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21 BY MR. DAMWEBER:

22

23

24

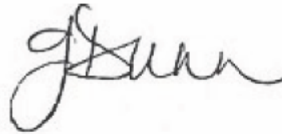
25 MR. HUNSBERGER: Object to the form.

CERTIFICATE

I, Jennifer A. Dunn, Registered Merit Reporter,
Certified Realtime Reporter, Certified Shorthand Reporter,
and Certified Court Reporter, do hereby certify that prior
to the commencement of the examination,
[REDACTED], was duly remotely sworn by me to testify to the
truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim
transcript of the testimony as taken stenographically by me
at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor
employee nor attorney nor counsel of any of the parties to
this action, and that I am neither a relative nor employee
of such attorney or counsel, and that I am not financially
interested in the action.



JENNIFER A. DUNN

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NCRA Certified Realtime Reporter

California Certified Shorthand Reporter #14461

Illinois Certified Shorthand Reporter #084.004939

Missouri Certified Court Reporter #485

Texas Certified Shorthand Reporter #12050

Dated: May 3, 2024